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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/329,461	06/10/1999	HERMAN RODRIGUEZ	AT9-99-085	8120
35525	7590	03/07/2006	EXAMINER	
IBM CORP (YA)			NGUYEN, CUONG H	
C/O YEE & ASSOCIATES PC			ART UNIT	
P.O. BOX 802333			PAPER NUMBER	
DALLAS, TX 75380			3661	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/329,461	RODRIGUEZ ET AL.	
	Examiner	Art Unit	
	CUONG H. NGUYEN	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 3,4,27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,4,27 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/27/00, 1/12/04, 12/05/05</u> | 6) <input type="checkbox"/> Other: _____  |

### **Status of the Claims**

1. Claims 3-4, and 27-28 are pending based on the amendment filed on 10/27/2005.

### **Response to Applicant's Arguments**

2. The applicants argue that: the amended claims also recite a first read/write device (the examiner submits that a mouse could do those functions), and a second read/write device (the examiner submits that a keyboard coupled to a computer monitor could do those functions) – these are very well-known inputs/outputs tools for using on computers such as a scanner, and a keyboard for displaying inputs on screens, and those features do not represent an inventive concept for this patent application. Although the applicants “believe” that Tognazzini’s “inventory records” corresponding to the sales transactions, not to the product themselves, the examiner’s position is that it also means both “physical product” and transactions because they are delivered to the buyer’s possession after all; saying “sale transactions” is similar to “sold product” because they are no longer being owned by the seller – the ownership of a product has been transferred. The applicants also argue that Tognazzini does not disclose updating the records when the product delivered; however, this claimed feature is inherently existed with the software that operating on the “cash-register” even Tognazzini does not disclose because when talking about “inventory records” one with ordinary skill in the art understands that means “currently available product”.

The applicants do not try to amend claimed language to distinguish the pending claims over prior art. A requirement for examining patent applications is broadly interpreted claimed language; however, the applicants refuse to be examined that way.

The examiner respectfully submits that cited art suggest pending claims present a non-inventive concept.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

**3. Claims 3-4, and 27-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tognazzini (US Pat. 5,739,512).3.**

A. As per independent claim 3: Tognazzini teaches a method for maintaining inventory records of products being sold (see Tognazzini, col.2, lines 62-65 wherein producing a report is producing an inventory record), comprising:

- providing inventory records corresponding to products for sale (“to produce a report” is similar to “produce an inventory record”, see Tognazzini, col.2, lines 64-65);
- processing a purchase transaction for a product (i.e., on computer/cash-register or “deliver” a product, see Tognazzini, Fig.4);
- generating an electronic receipt comprising data concerning the purchase transaction (see Tognazzini, Fig.1, ref.100; and Fig.8, ref. 850);
- storing said electronic receipt on a removable storage medium (i.e., a computer’s floppy disk, see Tognazzini, Fig.7, ref. 730)
- at a different time (i.e., reviewing one second later), reading said electronic receipt from said removable storage medium sale (see Tognazzini, col.2, lines 62-65);

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- validating said electronic receipt sale (see Tognazzini, col.5, lines 1-10); and in response to validating said electronic receipt: providing an indication to proceed with a *delivery* of said product sale (this action is inherent in Tognazzini); and updating an inventory record corresponding to said first product to reflect the delivery of said first product (the claimed phrase “the delivery of said first product” is reasonably interpreted as “a transaction is executed”, see Tognazzini col. 2, lines 62-65).

Tognazzini does not explicitly disclose “identically” arrange features as they are in the claims.

However, these claims use a term of “comprising ... steps of:” in their preambles to introduce what comprise in their bodies. The examiner respectfully submits these claims represent required steps as cited.

It would have been obvious for one of ordinary skill in the art at the time of invention to implement Tognazzini’s idea to expressly disclose steps as required, for operating Tognazzini’s system as shown in Figs. 1-2, verifying a receipt, and maintaining inventory records comprising instructions that perform steps of claims 3-4 because it is widely recognized the advantage of tracking receipts for easy in audit opportunities.

B. As per dependent claim 4: Tognazzini teaches about authenticating/inspecting a digital signature (for verification - see Tognazzini, col.5, lines 2-10).

**4. As per claims 27-28:**

Tognazzini further teaches a computer program product in a computer readable medium (see Tognazzini, col. 3, lines 39-45) for processing an electronic receipt (see Tognazzini, col. 2, lines 17-67).

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Tognazzini does not expressly disclose about a computer program product for maintaining inventory records comprising instructions that perform above steps of claims 3-4.

However, the examiner's position is Tognazzini uses computer instructions (not necessary as claimed language of: first instruction..., second instruction..., third instruction..., seventh instruction...) to direct the computer to perform all of the actions/steps identified supra with the system disclosed in Figs. 1-2, and as specifically claimed in claims 27 and 28.

It would have been obvious for one of ordinary skill in the art at the time of invention to implement Tognazzini's idea to expressly disclose a computer program product such as a floppy disk, a smart card, a hard drive containing operating instructions, for operating Tognazzini's system as shown in Figs. 1-2, verifying a receipt, and maintaining inventory records comprising instructions that perform above-analyzed steps of claims 3-4 because it is widely recognized the advantage of automation manual steps for repetition uses on a computer-executable portable medium.

#### **Conclusion**

5. Claims 3-4, and 27-28 are not patentable. Applicants' amendments are not persuasive. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

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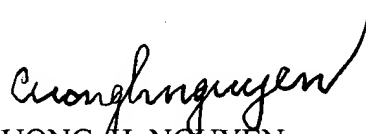
advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

  
CUONG H. NGUYEN  
Primary Examiner  
Art Unit 3661